

P97-130 - REYES SECOND DWELLING UNIT

- REQUEST: A. Environmental Determination: Exempt 15303(b)
- B. Special Permit to convert the basement of a single family residence into an additional dwelling unit on 0.11 developed acres in the Single Family or Two Family (R-1B) zone
- C. Variance to waive the garage for a residential unit in the Single Family or Two Family (R-1B) zone.
- D. Variance to permit a six foot fence within the front setback for a residential structure in the Single Family or Two Family (R-1B) zone.

LOCATION: 1016 U Street  
APN: 009-0134-006  
Central City Community Plan/Southside Park Area  
Sacramento City Unified School District  
Council District 4

APPLICANT:	Jean Reyes, 327-2475 1016 U Street, Sacramento, Ca 95818
OWNER:	Jean Reyes, 1016 U Street, Sacramento Ca 95818
PLANS BY:	Tom Duffy, 448-4659
APPLICATION FILED:	2-9-98
STAFF CONTACT:	Jeanne Corcoran, (916) 264-5317

**SUMMARY:** The applicant is requesting the necessary entitlements to convert the basement of a single family residence to a second dwelling unit in the Single Family or Two Family (R-1B) zone. The proposed project requires the necessary entitlements described above. The applicant purchased the property in June of 1997. The basement had been converted to a dwelling unit prior to the applicant purchasing the property. The basement was converted without proper planning approvals, design

review or building code compliance. The applicant proposes to legalize the unit. The basic issue of the project is design and compliance with building codes. Several windows in the structure have been replaced with aluminum sliders and a six foot high wood fence has been constructed along the front of the property.

**RECOMMENDATION:** Staff recommends approval of the project, subject to conditions. This recommendation is based upon the suitability of the site for the proposed use, the compatibility of the proposed use with surrounding land uses and consistency with General and Central City Community Plans goals and policies to provide affordable housing opportunities for all income groups and support efforts to provide varied housing opportunities by allowing second units on single family lots.

**PROJECT INFORMATION:**

General Plan Designation:	Low Density Residential
Central City Community Plan Designation:	Low Density Residential
Existing Land Use of Site:	Single Family Residential
Existing Zoning of Site:	R-1B

**Surrounding Land Use and Zoning:**

North: Residential; R-1B & R-3A  
 South: Residential, Commercial; R-1B & R-3A  
 East: Residential, School; R-1B  
 West: Residential, Commercial; R-1B, R-3A & C-2NC

Setbacks:	Required	Provided
Front:	25' or average of two nearest buildings	2' (Existing)
Side(E):	3'	3' (Existing)
Side(W):	3'	23' (Existing)
Rear:	15'	38' (Existing)

Property Dimensions:	60' x 80'
Property Area:	0.11± net acres
Density of Development:	18 dwelling units per net acre
Square Footage of Building:	2,726 sq ft (not including attic space)
Height of Building:	32', 2 stories

Exterior Building Materials:	Cement tile & wood
Roof Material:	Composition shingle
Parking Provided:	1 space
Parking Required:	1 space

**OTHER APPROVALS REQUIRED:** In addition to the entitlements requested, the applicant will also need to obtain the following permits or approvals, including, but not limited to:

<u>Permit</u>	<u>Agency</u>
Preservation Review	Preservation Staff
Driveway Permit	Public Works, Development Services
Building Permit	Building Division

**BACKGROUND INFORMATION:** The applicant is proposing to convert the basement of the single family residence into a legal second unit. The basement has already been converted to a second unit without proper approvals and building permit. The applicant purchased the property in June of 1997, knowing the unit was illegal but desires to bring the unit into compliance with zoning and building codes.

**STAFF EVALUATION:** Staff has the following comments:

A. Policy Considerations

The proposed project is consistent with the General Plan and Central City Community Plan land use designations of low density residential. Furthermore, the project complies with policies to provide affordable housing to all income groups, improve the quality and character of residential neighborhoods in the city, and support efforts to provide varied housing opportunities by allowing second units on single family lots.

General Plan Policies:

“ . . . enhance and maintain the quality of life by adhering to high standards for project and plan evaluations as it relates to . . . design and development. . . ” (Sec 1-30)

“Maintain and improve the quality and character of residential neighborhoods in the City.” (Sec 2-1)

“Provide affordable housing to all income groups.” (Sec 2-1)

" . . . provide varied housing opportunities by allowing secondary units on single family lots." (Sec 2-15)

#### Central City Community Plan

"Provide adequate housing for all residents of the Central City. . ." (CCCP p.1)

"Provide rental and home ownership opportunities to meet the needs of elderly persons, low and moderate income families, and other groups with specialized housing needs." (CCCP p 3)

Staff, therefore, supports the second dwelling unit since it further the goals and policies of the General Plan and the Central City Community Plan.

#### B. Site Plan Design/Zoning Requirements

##### 1. Special Permit

The Zoning Ordinance permits two family development in the R-1B zone subject to a special permit. The special permit allows the Planning Commission to review the appropriateness of the use and site development. The applicant proposes to located a duplex on a 60' X 80' interior lot. The surrounding land uses are a mixture of single family, multiple family and commercial uses. The proposed unit will be developed within the existing structure and will not alter the characteristics of the neighborhood. Therefore, staff supports the special permit to develop a duplex on the site.

##### 2. Setbacks

Currently, the existing structure does not comply with zoning requirements for the front setback. The existing setbacks are front (north) two feet, interior side (east) three feet, rear (south) 38 feet, and interior side (west) 23 feet. The applicant proposes to legally convert the basement of the structure to a single family dwelling unit. No expansion of the structure is proposed, all improvements will be interior. Therefore, the setbacks are not an issue, since no additional encroachment into the setback areas are being proposed.

##### 3. Parking

The Zoning Ordinance requires duplex lots greater than 3200 square feet, to provide an enclosed garage for each unit. Since the existing single family unit

does not currently provide parking, the applicant is responsible only for providing one parking space within a garage for the new dwelling unit. However, the applicant proposes to provide a parking pad at this time and may construct a garage at a later date when additional funds are available.

Staff supports the waiver of the garage since the Zoning Ordinance allows an exemption to the construction of a garage if 50% of the single family properties within a 1,000 feet of the site do not have garages and allows for conversion or demolition of existing garages if a parking pad can be provided outside the front and street side yard setbacks areas. Due to the mixed use nature of this area and since the applicant is providing a parking pad for the unit, staff believes the intent of the ordinance is meant and supports the waiver of the garage. Staff, however, recommends that the length of the pad be extended to 22 feet so that car will not be parked in the front setback, consistent with the Zoning Ordinance regulations.

#### 4. Fence/Gates/Landscaping

The plans do not indicate that a six foot high dog eared wood fence has been constructed along the front property line. The plans also fail to note that a tree is located within 2-4 feet of the front property line to the west of the residential structure. The Zoning Ordinance allows fences up to three feet in height to be in the front and street side yard setback area. Fences placed on the property line or within the front setback area, if over three feet in height, are to be ornamental iron fencing. Ornamental iron fencing provides a more open and aesthetic look for the neighborhood. Staff finds that the wood fence does not provide any aesthetic enhancement to the neighborhood and recommends the fence be lowered to three feet or moved two feet back of the property line, in line with the house, or further, if necessary, so as not to interfere with the tree located to the west of the house. Furthermore, the Preservation staff, recommends that, if the fence is moved back to the setback line, a planter with shrubs or vines be planted in front of the fence to provide relief from the fence, the fence be capped at the top (this can be done with a 2" x 4" ), and the fence be painted a darker shade of beige compatible with the house.

Finally, the City Code requires gates at driveways to be recessed 20 feet from the public right-of-way. This setback allows access to the site without blocking the public right-of-way. Public Works has allowed gates on residential property within 20 feet of the public right-of-way, if they are remote controlled so as to allow the occupant the ability to open the gate without having to get out of the vehicle and block the public right-of-way. Therefore, if a gate is approved within 20 feet of the public right-of-way, it will need to be electronically controlled. Chain link fencing shall not be used if the wood gate is unable to be electronically outfitted.

C. Building Design

The existing structure is 32 feet high, consisting of a basement, main floor and attic space. The exterior materials of the structure consist of cement shingle siding with a composition shingle roof. The proposed project is located within the Southside Preservation Area and will require review and approval by the Preservation staff. Although, the applicant does not propose any exterior modification to the unit, Preservation staff is required to review this project since the existing exterior changes (i.e. window replacement, door placements) to the structure were completed without building permits. To date a preservation application has not been submitted.

In reviewing the elevations staff has noted that four of the windows have been changed to aluminum sliders. Two of these windows are located in the basement unit on the front (north) elevation and the other two are located on the west elevation, one on the bottom unit and one on the top unit. Staff recommends that all aluminum sliding windows be replaced with wooden double hung windows, in keeping with the historic windows in the structure.

PROJECT REVIEW PROCESS:

A. Environmental Determination

The proposed project is exempt from environmental review pursuant to State EIR Guidelines (CEQA Section 15303b).

B. Public/Neighborhood/Business Association Comments

The project has been routed for review to Central City Alliance of Neighborhoods (CCAN) and Southside Park Neighborhood Association. The following comments were received:

CCAN

The aluminum windows should be returned to sash. The cement siding shingles should be compatible with existing shingles and materials specified in the Central City Neighborhood Design Guidelines.

C. Summary of Agency Comments

The project has been reviewed by several City Departments and other agencies. The following summarizes the comments received:

1. Public Works

A driveway variance is required due to gate being located within 20 feet of the public right-of-way and the driveway being located within 20 feet of another driveway. Public Works has indicated their support of approving a request for a driveway variance. Planning Commission's approval of the project will not negate the applicant from obtaining a driveway variance from Public Works.

2. Police

Clear addressing is required. Addressing for the upper unit should be reflected on the upper portion of the structure, while addressing for the lower unit should be reflected on the lower portion of the structure.

Fence should be lowered to three feet to allow view of the entrance door of lower unit. If fence is not lowered the entrance way of the lower unit should provide lighting to 1 foot candles which is approximately equivalent to a 100 watt light bulb.

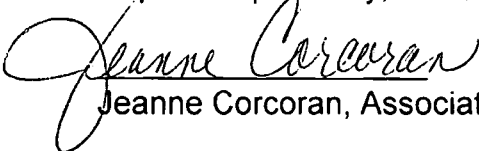
PROJECT APPROVAL PROCESS: Of the entitlements below, Planning Commission has the authority to approve or deny the special permit and variance. The Planning Commission action may be appealed to the City Council. The appeal must occur within 10 days of the Planning Commission action.


RECOMMENDATION: Staff recommends the Planning Commission take the following actions:

- A. Adopt the attached Notice of Decision and Findings of Fact which finds that the project is Exempt pursuant to CEQA Section 15303(b);
- B. Adopt the attached Notice of Decision and Findings of Fact approving the special permit to permit a second dwelling unit on 0.11 developed acres in the R-1B zone, and;
- C. Adopt the attached Notice of Decision and Findings of Fact approving the variance waiving the garage requirement for a residential unit.
- D. Adopt the attached Notice of Decision and Findings of Fact denying the variance to permit a six foot fence within the front setback.

Report Prepared By,

Report Reviewed By,

  
Jeanne Corcoran, Associate Planner

  
Steve Peterson, Senior Planner

Attachments

Attachment 1	Notice of Decision & Findings of Fact
Exhibit 1A	Site Plan/Floor Plans
Exhibit 1B	Elevations
Attachment 2	Vicinity Map
Attachment 3	Land Use & Zoning Map



**NOTICE OF DECISION AND FINDINGS OF FACT FOR  
REYES SECOND DWELLING UNIT, LOCATED AT 1016 U STREET  
SACRAMENTO, CALIFORNIA IN THE  
SINGLE FAMILY OR TWO FAMILY (R-1B) ZONE. (P97-130)**

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At the regular meeting of June 25, 1998, the City Planning Commission heard and considered evidence in the above entitled matter. Based on verbal and documentary evidence at said hearing, the Planning Commission took the following actions for the location listed above:

- A. Environmental Determination - Exempt;**
- B. Approve the Special Permit to allow the conversion of the basement of a single family residence into an additional dwelling unit on 0.11 developed acres in the Single Family or Two Family (R-1B) zone; and,**
- C. Approve the Variance to waive the garage for a residential unit in the R-1B zone.**
- D. Deny the Variance to permit a six foot high fence within the front setback for a residential structure in the (R-1B) zone**

These actions were made based upon the following findings of fact and subject to the following conditions:

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**FINDINGS OF FACT**

- A. Categorical Exemption:** The City Planning Commission finds and determines that the proposed project is exempt from environmental review pursuant to Section 15303(b) of the CEQA Guidelines.
- B. Special Permit to allow the conversion of the basement into an additional dwelling unit:** The Special Permit to allow the conversion of the basement of a single family residence into an additional dwelling unit on 0.11 developed acres is **approved** subject to the following findings of fact and conditions of approval:
  - 1. The project is based upon sound principles of land use in that:
    - A. the proposed use is compatible to the existing single family, multiple family and commercial uses in the neighborhoods; and,

- B. the proposed use supports the City policies to develop residential uses within the Central City
2. The project will be not be detrimental to the public health, safety and welfare nor result in the creation of a public nuisance in that adequate parking is being provided.
  3. The project is consistent with the General Plan and Central City Community Plan land use designation of low density residential as well as policies that support varied housing opportunities for different income groups.
- C. Variance to waive the garage requirement for a residential unit: The Variance to waive the garage for a residential unit in the R-1B zone is **approved** subject to the following findings of fact and conditions of approval:
1. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.
  2. Granting the variance will not be detrimental to the public welfare nor result in the creation of a public nuisance in that parking is being provided for the new dwelling unit.
  3. Granting the variance does not constitute a use variance in that residential uses are permitted in the R-1B zone.
  4. The project is consistent with the General Plan and Central City Community Plan land use designation of low density residential.
- D. Variance to permit a six foot high fence within the front setback: The Variance to permit a six foot high fence within the front setback for a residential structure in the R-1B zone is **denied** subject to the following findings of fact and conditions of approval:
1. Granting the variance does constitute a special privilege extended to an individual property owner in that a variances would not be granted to other property owners facing similar circumstances.
  2. Granting the variance will be detrimental to the public welfare and result in the creation of a public nuisance in that the project site is located within a preservation area and the fence aesthetically detracts from the

neighborhood and inhibits the line of sight of the unit.

4. The fence is not consistent with the General Plan and Central City Community Plan policies which support pleasant, attractive neighborhoods.

CONDITIONS OF APPROVAL:

- B. The Special Permit to allow the conversion of the basement of a single family residence to a dwelling unit (Exhibit 1A & 1B) is hereby approved subject to the following conditions:
- B1. The project shall be reviewed and approved by the Preservation staff prior to issuance of a building permit.
  - B2. A building permit shall be obtained within two years of approval of this special permit, converting the basement to a single family dwelling unit or the special permit expires.
  - B3. The second dwelling unit shall not be inhabited until a certificate of occupancy has been issued.
  - B4. The aluminum sliders shall be changed to double hung wood windows, consistent with the historic windows currently in the structure.
  - B5. Address for upper unit shall be placed on the upper portion of the structure, address for the lower unit shall be placed on the lower portion of the structure, subject to review and approval of the Police Department (Lynn Ohlson).
  - B6. The fence shall be lowered to three feet in height if located within the front setback or the six foot high fence shall be relocated outside the front setback. Chain link fencing across the front and visible from the street is not permitted.
  - B7. If a six foot high fence is located in front (north) of the lower entry door a 1 foot candle light shall be provided at the entryway of the lower entry.
  - B8. If the six foot high fence is relocated outside the front setback a planter area shall be provided in front of the fence. The planter area shall be irrigated and maintained with climbing vines or shrubs.

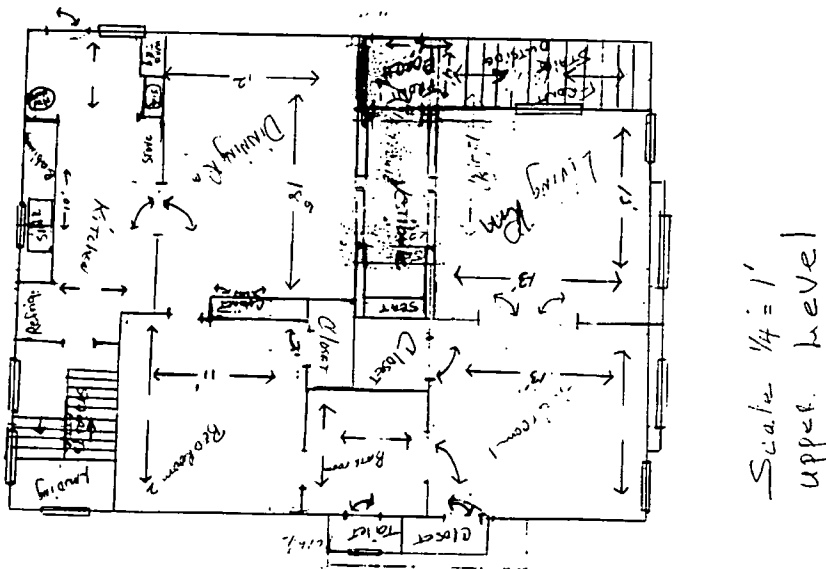
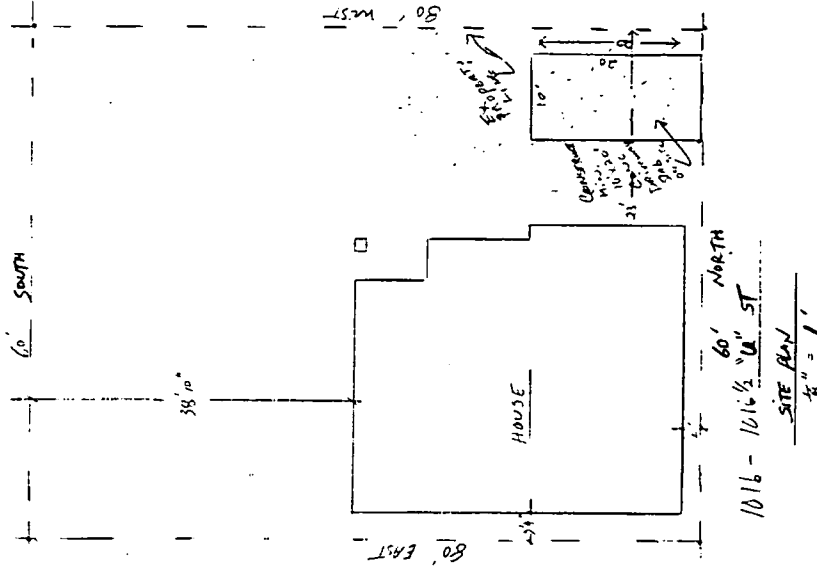
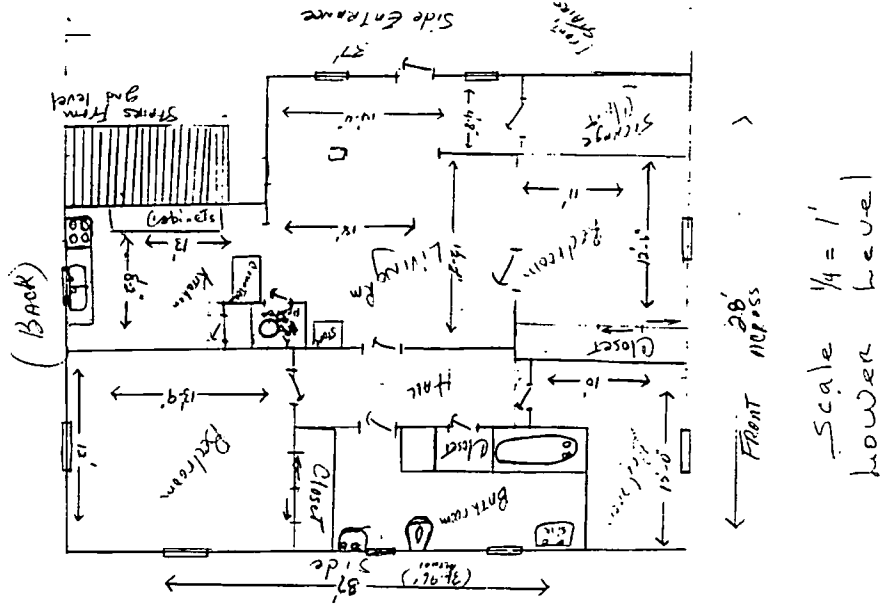
- B9. The six foot high fence shall be capped and painted a darker beige compatible with the house.
- B10. If a gate is placed across the driveway and located within 20 feet of the property line an electronic mechanism providing remote control access to the gate shall be provided.
- C. The Variance to waive the garage for a residential unit: The variance to waive the garage for a dwelling unit in the R-1B zone is hereby approved subject to the following conditions:
- C1. The parking pad shall be a minimum of 10' X 22' .
- C2. The fence shall be lowered to three feet in height if located within the front setback or the six foot high fence shall be relocated outside the front setback. Chain link fencing across the front and visible from the street is not permitted.
- C3. If the six foot high fence is relocated outside the front setback, a planter area shall be provided in front of the fence. The planter area shall be irrigated and maintained with climbing vines or shrubs.
- C4. The fence shall be capped and painted a darker beige compatible with the house.
- C5. An electronic mechanism which provides remote control access to the gate shall be provided, if the gate is placed across the driveway and located within 20 feet of the property line.

  
CHAIRPERSON

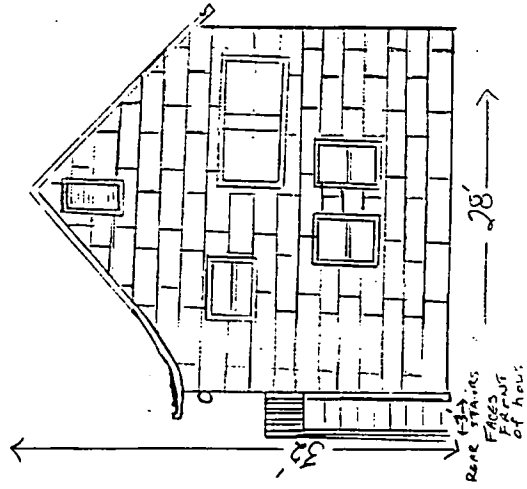
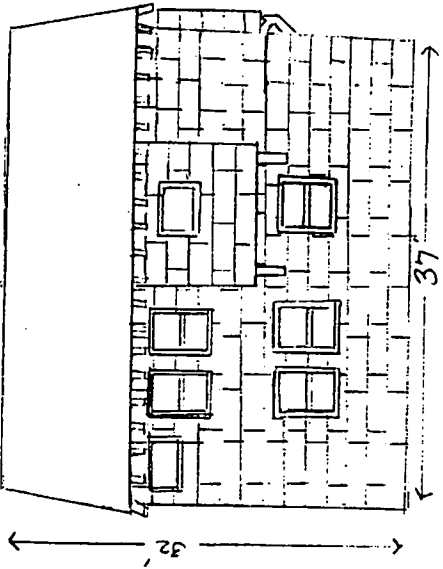
ATTEST:

  
SECRETARY TO CITY PLANNING COMMISSION  
6-25-98  
DATE (P97-130)

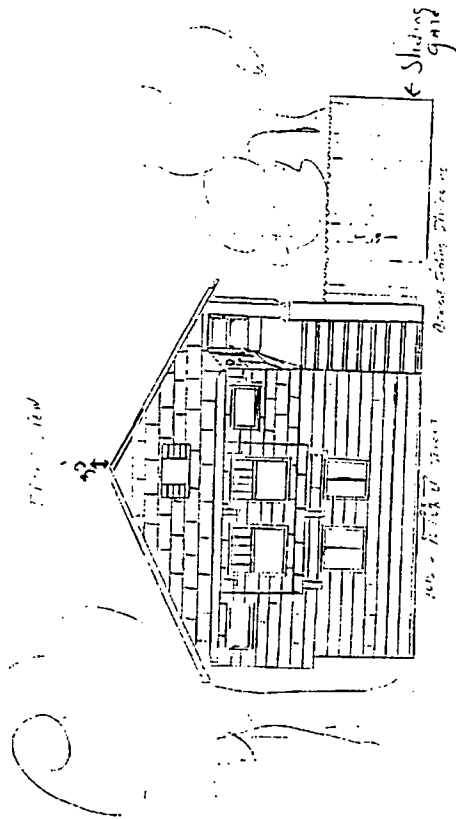
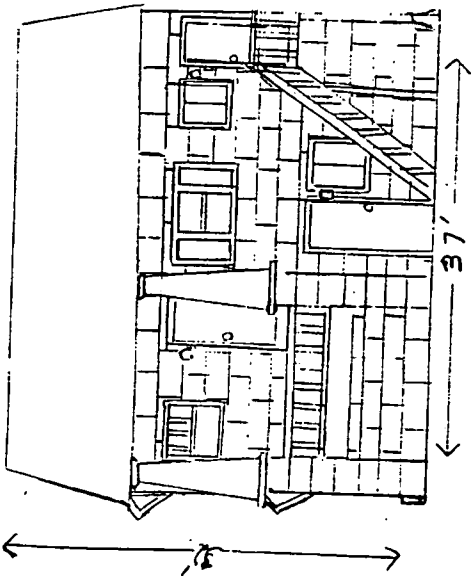
Exhibit 1A Site Plan/Floor Plans  
Exhibit 1B Elevation



EXTERIOR WALL  
COVERING  
CEMENT SHINGLES

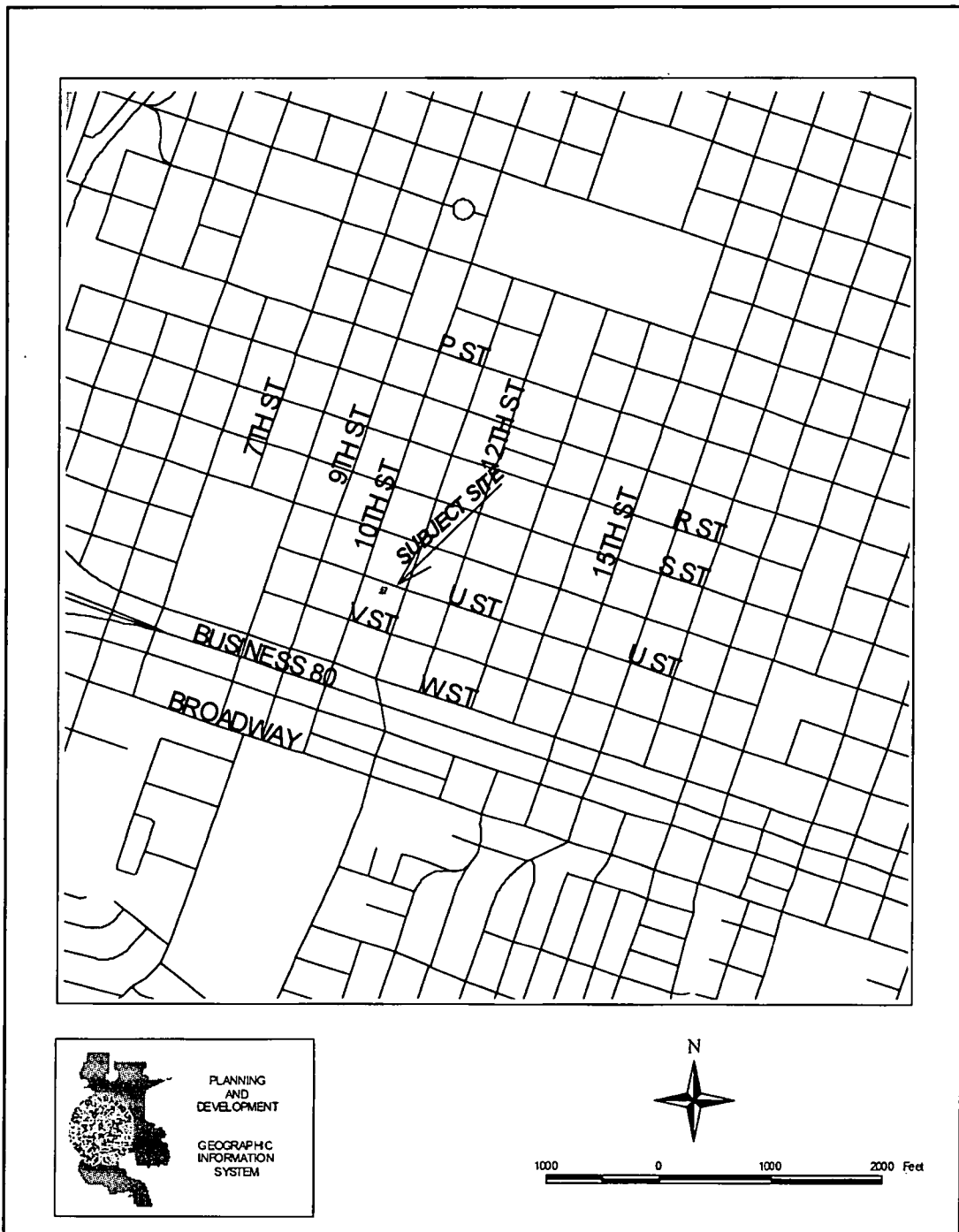


1016 & 1/2 10th St  
60'  
REAR VIEW



FRONT VIEW

ATTACHMENT B



ATTACHMENT C

